

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DONNA CORBELLO, an individual,

Plaintiff,

v.

THOMAS GAETANO DEVITO, an individual; FRANKIE VALLI, an individual; ROBERT J. GAUDIO, an individual; MARSHALL BRICKMAN, an individual; ERIC S. ELICE a/k/a Rick ELICE, an individual; DES McANUFF, an individual; DSHT, INC. (formerly, "DODGER STAGE HOLDING THEATRICALS, INC."), a Delaware corporation; DODGER THEATRICALS, LTD., a New York corporation; and JB VIVA VEGAS, LP, a New York limited partnership; JERSEY BOYS BROADWAY LIMITED PARTNERSHIP, and JERSEY BOYS RECORDS LIMITED PARTNERSHIP, all New York limited partnerships, SKUNK, INC., a New York corporation, and GETTING HOME, INC., a Nevada corporation.

Defendants.

Case No. 2:08-cv-00867-RCJ-PAL

ORDER

**UNOPPOSED MOTION TO EXTEND TRIAL DATE**

**(First Request)<sup>1</sup>**

<sup>1</sup> This is Defendant DeVito's first sole request to extend the trial date. Defendant DeVito has, however, either been unopposed to or has agreed to stipulations on extensions for a variety of response dates, discovery dates, and trial dates over the course of this litigation.

1       Defendant Thomas Gaetano DeVito (“DeVito”), by his attorneys, hereby proposes a  
2 modification to the Court’s Scheduling Order, dated April 15, 2011 [Doc. No. 502], to extend the  
3 trial date currently scheduled for November 15, 2011. Defendant DeVito’s counsel has conferred  
4 with counsel for Plaintiff Donna Corbello and Defendants Frankie Valli, Robert J. Gaudio, Marshall  
5 Brickman, Eric S. Elice, Des McAnuff, DSHT, Inc., Dodger Theatricals, Ltd., JB Viva Vegas, Jersey  
6 Boys Broadway Limited Partnership, Jersey Boys Records Limited Partnership, Skunk, Inc., and  
7 Getting Home, Inc. (the “New Defendants”) who confirmed that they do not oppose the relief sought  
8 and approve of Defendant DeVito’s proposal to extend the trial date by approximately 30 days.

9       Defendant DeVito’s co-counsel, L. Bradley Hancock, and his wife are expecting a child in  
10 early November 2011. Given the current trial date of November 15, 2011, Mr. Hancock, as co-lead  
11 trial counsel, will be preparing for or participating in a very complex trial during the final stage of  
12 his wife’s pregnancy. This presents a risk that Mr. Hancock would be absent from trial preparation  
13 or the trial itself in order to take care of his family. Good cause exists for extending the trial date.  
14 Mr. Hancock’s absence would be detrimental to Defendant DeVito’s trial preparation and/or  
15 representation at trial. Counsel for the Parties have conferred and are unopposed to extending the  
16 trial date by approximately 30 days to allow Mr. Hancock time to be with his family after the birth of  
17 his newborn child. Defendant DeVito does not seek this extension to delay the trial or prejudice the  
18 other Parties. Defendant DeVito is not seeking to extend discovery or other pre-trial deadlines in the  
19 Court’s Scheduling Order dated April 15, 2011.

20      Accordingly, Defendant DeVito requests that the Court extend the currently-scheduled trial  
21 date by approximately 30 days and set a new trial date that is convenient for the Court, the Parties,  
22 and all counsel after such time has passed.

23 **ORDER**

24 **IT IS SO ORDERED.**

25 **DATED: 07-05-2011.**

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28 ROBERT C. JONES  
Chief Judge